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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,141	03/15/2001	Yoichi Iki	108933	3052

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EXAMINER

LE, MIRANDA

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/808,141

Applicant(s)

IKI ET AL.

Examiner

Miranda Le

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-8, 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Takemoto et al. (US Patent No. 6,335,742 B1).

Takemoto anticipated independent claims 1, 6, 7, 12, by the following:

**As per claims 1, 7,** Takemoto teaches “a structure information setting section capable of arbitrarily setting structure information that defines structure of a file name” at col. 10, lines 52-67, Fig. 13A;

“a data acquiring section for acquiring data to be stored as a file” at col. 7, lines 34-61, col. 10, lines 21-50, Fig. 13A;

“a name-generating section for acquiring, for each data acquired by said data acquiring section, information structuring a file name, according to the structure information that is set by the structure information setting section, to generate a file name using the acquired information” at col. 10, lines 21-50, col. 10, lines 5-33, Fig. 13A;

“a managing section for storing the data acquired by the data acquiring section, and for managing the data using the file names generated by the name-generating section” at col. 9, lines 1-31, col. 9, lines 41-61, Fig. 13A.

**As per claims 6, 12,** Takemoto teaches “a data acquiring section for acquiring stored data to which a file name is given in advance and information that is associated with the stored data” at col. 7, lines 34-61, col. 10, lines 52-67, Figs. 3A-B;

“a structure information setting section capable of arbitrarily setting structure information that defines a structure of a virtual file name” at col. 10, lines 21-67, Figs. 3A-B;

“a name-generating section for acquiring, for each data acquired by said data acquiring section, information structuring a virtual file name, according to the structure information that is set by the structure information setting section, to generate a virtual file name using the acquired information” at col. 10, lines 5-33, Figs. 3A-B , wherein

“said data acquired by said data acquiring section are managed by using the virtual file name generated by the name-generating section” at col. 7, lines 34-61, col. 9, lines 41-61.

**As per claims 2, 8,** Takemoto teaches “the data acquiring section acquires stored data to which a file name is given in advance and information that is associated with the stored data” at col. 7, lines 34-61, Figs. 13A-B;

“the name-generating section acquires, for each data acquired by said data acquiring section, information structuring a file name, from said associated information according to the structure information that is set by the structure information setting section, to generate a new file name using the acquired information” at col. 6, line 53 to col. 7, line 14, Figs. 13A-B.

**As per claims 5, 11,** Takemoto teaches “a thumbnail display section for displaying a thumbnail image that is a reduced image of an image corresponding to the data stored in said managing section” at col. 9, lines 1-7;

“a displaying condition setting section for setting, as a displaying condition to be used for selecting the thumbnail image to be displayed by the thumbnail display section, information that is included in the file name corresponding to the thumbnail image to be displayed” at col. 9, lines 8-20, wherein

“said thumbnail display section selects the file name including the information that is set as the displaying condition by the displaying condition setting section, from file names of the data stored in said managing section, and displays the thumbnail image corresponding to the selected file name” at col. 9, lines 21-31.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto et al. (US Patent No. 6,335,742 B1), in view of Higashiyama et al. (US Patent No. 6,418,272 B1).

As per claims 3, 9, Takemoto does not explicitly teach “said data acquiring section acquires microscope image data of a sample that is photographed by an imaging device that is part of a microscope system; and said structure information setting section can set, as said structure information, a characteristic of the microscope image data to be reflected in a file name of said microscope image data”. However, Higashiyama teaches this limitation at col. 3, lines 7-33, col. 3, lines 11-19.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to modify the teachings of Takemoto with the teachings of Higashiyama to include “said data acquiring section acquires microscope image data of a sample that is photographed by an imaging device that is part of a microscope system; and said structure information setting section can set, as said structure information, a characteristic of the microscope image data to be reflected in a file name of said microscope image data” in order to attain an easy file management in case of preparing an audio file, corresponding to an image file.

6. Claims 4, 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto et al. (US Patent No. 6,335,742 B1), in view of Hatanaka et al. (US Patent No. 6,438,320 B1).

**As per claims 4, 10,** Takemoto does not specifically teach the following claimed limitations. However, Hatanaka teaches

“a classifying condition setting section capable of setting arbitrarily a classifying condition to be used for classifying data stored in the managing section into a plurality of groups” at col. 10, lines 22-41;

“a classifying section for acquiring information corresponding to said classifying condition from the file names of the data stored in said managing section, to classify data having the same said information acquired corresponding to said classifying condition into a same group” at col. 5, lines 36-44, wherein

“said managing section manages, data stored therein in advance, in two ways, which are managing by the file names generated by the name-generating section and managing by a result of classifying by the classifying section” at col. 10, lines 4-41.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to modify the teachings of Takemoto with the teachings of Hatanaka to include “a classifying condition setting section capable of setting arbitrarily a classifying condition to be used for classifying data stored in the managing section into a plurality of groups; a classifying section for acquiring information corresponding to said classifying condition from the file names of the data stored in said managing section, to classify data having the same said information acquired corresponding to said classifying condition into a same group, wherein said managing

Art Unit: 2177

section manages, data stored therein in advance, in two ways, which are managing by the file names generated by the name-generating section and managing by a result of classifying by the classifying section" in order to reduce the time required by the file system to search the existing files to determine a new file name.

### Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

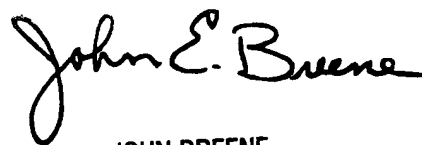
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (703) 305-3203. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax number to this Art Unit is (703) 746-7238. The TC 2100's Customer Service number is (703) 306-5631.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Miranda Le  
May 30, 2003



JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100